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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210103
Party	Defendant Alberto Soler DBA Coki Loco and Miriam Soler
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**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Application No. 85/672,347

Mark: COKI COLA HAPPY MOTION

Filed: July 10, 2012

Published: December 18, 2012

ALBERTO SOLER

d/b/a **COKI** LOCO

and MIRIAM SOLER

Applicants,

v.

Opposition No. 91210103

THE COCA-COLA COMPANY,

Opposer,

_____/

REQUEST FOR RECONSIDERATION

(The Board should reconsider its order Feb. 03, 2014 for being against the law when denying Applicant's Motion to Dismiss Opposer's complaint with Prejudice)

Applicants Alberto Soler d/b/a COKI LOCO and Miriam Soler (hereinafter **COKI**), and pursuant to the federal law 37 CFR 2.127(b), hereby requests the Board to reconsider its order of Feb. 03, 2014, if it wants no matter if not so- for clearly being against the law.

In support for fairness and justice in all this COKI states clear under here being the truth-the only thing that matters;

STATEMENTS OF THE RELEVANT FACTS OF THE CASE FOR
RECONSIDERATION

1. On Sept. 19, 2013, the Board denied TCCC'S grounds of fraud and lack of intent to use for failure to state a claim -allowing TCCC to amend the complaint and properly plead its requirement.
2. On Oct. 01,, 2013, TCCC filed the Amended Complaint. TCCC pleaded information obtained from a conversation between TCCC'S counsel with Applicant named Alberto Soler. TCCC also attached by exhibits email communication between both named above. TCCC disclosed such information in an attempt to plead both the fraud and lack of bona fide intent to use grounds.
3. On Oct. 04, 2013, the Applicants move to dismiss TCCC'S amended complaint with prejudice. Applicants did not challenge nor requested dismissal under FRCP 12, but only for the illegal disclosure of confidential information concerning a settlement discussion. The Applicants also stated for the record *but not moving for dismissal on those grounds* voicing other violations by TCCC concerning the unauthorized attachment of any exhibits contrary to rule, for violating the rule of service of pleadings after consent given by only email submission and not pleading a plain and short statement as require by rule.

The Applicants never requested any sanction nor even stated such word in its pleadings. The Applicant also never stated nor move for dismissal saying that the disclosure was attorney client privileged but just "privileged information"

4. On Oct. 16, 2013, TCCC responded, saying everything but the truth nor claiming that the Applicants did not challenge the amended grounds suggesting it has been conceded.
5. On Oct. 25, 2013, Applicant's file its reply-voicing that TCCC has ignored any response to its illegal submission of exhibits contrary to rule.
6. On Feb. 03, 2013, the Board enter its decision and directives directly against the Applicants that must be follow or face entry of judgment.
7. This request for reconsideration by the Applicants now follows and filed before the deadline of 30-days set by rule, so TCCC'S present request for leave to amend was prematurity filed and should not be entertained.

II

OBJECTIONS

8. COKI hereby moves and submits the following objections and claim of foul play by the Board continues assistance to TCCC all against the law.

OBJECTION: The Board completely disregarded Applicant's request for dismissal of TCCC'S amended complaint with prejudice for intentionally disclosing confidential information to plead the amended grounds-by instead and against the law making up its own law suggesting it was a request for sanction when and again against the law, stating that Applicants request for dismissal with prejudice is denied as moot because and again against the law saying that the Applicants requested dismissal because TCCC violated the "plain and short statement requirement set by rule.

OBJECTION: The Board intentionally and in bad faith unfairly against the Applicant's decided to be the law against the law saying that Applicant's request for dismissal was a request for sanctions to deny Applicant's request for dismissal with prejudice for illegal disclosure-as moot, allowing TCCC another opportunity to again amend the complaint.

OBJECTION; The Board against the law denied Applicants request for dismissal by entertaining why so, the information revealed by the illegal exhibits submitted by TCCC.

OBJECTION: The Board intentionally ignored and not entertained Applicants request for dismissal for TCCC violating the law submitting exhibits and unjustly then violating the same law wanting to be the law by entertaining the same illegal exhibits to deny Applicants why there will be no dismissal.

ILLEGAL: The Board's directives in ordering Applicant's to first request consent from TCCC and then permission from the Board before filing any pre-trial motions; *It's clearly against the law and a denial of due process for foreclosing Applicant's from their right to invoke the fair process called and known as FRCP.*

III

CO/APPLICANT ALBERTO SOLER RECOLLECTION OF THE AUGUST 26, 2013 CONVERSATION WITH TCCC'S COUNSEL OF RECORD MS. PARKS

9. For the record and so why also for TCCC'S counsel named Ms. Parks decided to make it a part of the record, allowed by the Board, and obviously for support here for reconsideration;

Alberto Soler (SOLER) interjects the following evidence into the record contradicting all that was stated and claimed being against the law by Ms. Parks (PARKS).

SOLER: *Hello Ms. Parks, hope you are well. It's me, Mr. Soler-did you get my email saying I'll be calling your direct line at 2pm. I send it from the cocaliscious email address.....*

PARKS: *Hello Mr. Soler, I haven't check my messages, I just happen to be walking bye my phone and heard it ringing. Thank you for calling. How are you feeling today.*

SOLER: *...(laughing) Really Ms. Parks, you think I believe that. Come on please, let's be serious. Anyways thank you for asking-not feeling well I got neck and back pain for all the work I do in all this and especially since I am getting older-don't we all (why did you that to me having Mr. Smith send me that) Anyways, I decided to call you in good faith and in an effort to attempt to settle this matter with your client. Please understand why all my defensives for you know who you represent.*

PARKS: *I understand Mr. Soler, however, let me say that I can't continue to talk with you for you are represented by counsel-Mr. Fenn....or Is it Mr. Flores as you mention in an email message to me.*

SOLER: *I am sorry Ms. Parks, I understand but like I stated in the email to you, I have decided to expedite the matter since Mr. Fenn is going to slow and we need*

to come to a compromise and agreement to settle our differences between myself and your client

PARKS: *Mr. Soler, still I can't continue to talk with you because Mr. Fenn or Mr. Flores are your attorneys as you stated you retained for our conference call. So unless you now state to me that you have relinquishing your rights being representative by counsel-I cannot and will not continue this conversation with you. That is my ethical obligation I must follow being a license attorney.*

SOLER: *Ok Ms. Parks, in a effort to expedite this matter and so your client don't continue to talk nonsense about all that fraud you keep pleading against me-I now state that I am no-longer represented by counsel. So let's go on, then.*

PARKS: *But Mr. Soler, don't you need to inform any of your attorneys on your decision-*

SOLER: *Ms. Parks, come on- have decided and you heard it: Could you please let's talk about this.....*

PARKS: *Ok, I see that you did send me the message through the cocaliscious email address, so I ask you-who is Samuel Akcime. I spoke with him the other day and he never mentioned your name. Is he an associate of yours.*

SOLER: *Oh, I see now you asking direct questions involving your claims against me. Don't you think you acting unfair –me now not represented by counsel. Anyways I don't care for that all I do is the truth so let me give some truth so you guys stop thinking fraud- ok Ms. Parks. I know you spoke with him and that is a problem for I never gave him any instruction to do so.*

PARKS: What about Juan Rodriguez who is he-

SOLER: Ms. Parks, I am not going to answer all your questions since obviously I don't trust your client through you being their representative-OK

PARKS: I understand....

SOLER: So, I say just this for you now: Mr. Rodriguez and Mr. Akcime (Mr. Wright, Vuelta and others and William Soler, my brother and Miriam Soler my mother) are associates of mines and members of an association I planned for my business venture. I am in charge- owner of the association and legal authority over the marks the members have under their names. The association owns the marks not the applicants based on the business and contract term executed.

There was another reason why an association under Florida law, I am not a citizen..I'll explain that later to you-if we ever do talk again, I wanting to.....

PARKS: I don't understand but ok....

SOLER: You are probably wondering why I filed an opposition also against Mr. Akcime, well so you know-Sam is somewhat becoming a conflict in the association and I feel that he might decide to become a renegade or come into an agreement with your client. I had no choice but to file the opposition has an defense in case he does decide to go to the other side and against his contract terms within the association. That is why I filed the opposition. So please understand that and it's the truth. One final thing so you know I didn't plan any funny stuff coming out with trademarks names like your clients. I don't play games and am serious about my business.

PARKS: *What do you mean...*

SOLER: *You know what I mean-saying that I purposely created those mark names to harass your client and all that nonsense. You are wrong. For you see-I have legally imported coca-leaf extract into the country and want to succeed and could only be successful by using those names and the word coca of course. So I will proceed with my business plans no matter if your client stands in my way.*

PARKS: *Well Mr. Soler we don't want to hold you from your business ideas but we just want you to come up with another name that doesn't infringe on our client's mark. Coca-Cola is famous and being around for a long time. That's all we want from you. My client has made all these cases a priority not to succeed.*

SOLER: *(I feel like someone else is listening in) I don't care and please don't threaten me saying that-you tell your client that I will not do that and will see him in federal court if you guys decide to file an infringement suit for I will use all those marks no matter if they are registered or not, Ms. Parks. So you know how serious is this to me; the name COKI means something passionate to me and I suggest to tell your client to get out of my way. I know all their darks secrets and I can prove it in a court of law. Do you want to know what Coki stands for... Ms.Parks-*

PARKS: *Yes I would like to know that...*

SOLER: *But please keep it to yourself and don't tell your client-its between us so you understand I come in peace and want no trouble with your client –I am telling you in good faith as an gesture I want this conflict settle but it must be fair.*

PARKS: Mr. Soler, I can't do that-I cannot hold back anything from my client-I represent them.....

SOLER: Ok, whatever...COKI is the abbreviation of two words. **!!! !!!** So there you now understand how serious is this to me and-what I am planning to succeed.

PARKS: Mr. Soler I understand but what are saying my client dark secrets-explain that to me-what do you mean...

SOLER: You know what I mean. I welcome your client to file an infringement suit for I know it will take us to a federal district court which is open public and I will show who really was and still is your client for all the deceit they have done to the people..... So let your client know if they are not now listening in-that will go forward with my plans and will hope that there could be a compromise for both-I will succeed no matter if against me.

Unidentified/Male voice: Mr. Soler, so you are now warned, you must seize all your trademark matters even the one against Doke, or there will be repercussion and it will be disastrous.

SOLER: (laughing) really, who are you please speak clear I am getting amuse.

PARKS: Mr. Soler, who are you speaking to, there's no one else speaking to you but just me.

SOLER: (laughing) Ok, yes you are- I am hearing voices-excuse me I haven't been having good night sleep.

PARKS: Ok, sorry to hear that. You should find the time. We all need our rest.

SOLER: Thank you, and please also say hi to Jessica, tell her that I apologize to

her if she got uncomfortable with my email messages I have sent her. I didn't mean anything by it. You now understand why.

PARKS: I will do. Ms. Lewis is a great person and also my friend. She understand we had a talk about you there is no problem Mr. Soler.

SOLER: Ok, I am feeling happy about all this now you guys now knowing I don't mean harm and want to continue to discuss our differences for both to continue business w/o each other making it difficult. I have to now let you go, Ms. Parks- but please let me know when your client will be ready to talk again. I have some personal matter to attend.

PARKS: Excellent and thank you Mr. Soler. We will be in touch soon to continue our discussion and Mr. Soler, hope you get better having those back and neck pains as you explained to me it is bother you.

SOLER: Hey you remember about that. That was nice to say, thank you and hope you also be well and have a great day, Ms. Parks.

PARKS: Thank you, Mr. Soler, have a wonderful day. Good bye

SOLER: bye.....

In conclusion, that is all that needed to be said.

IV

RELIEF

10. WHEREFORE, COKI respectfully says it doesn't matter for it is now part of the record that is what matters.

Filed this 3rd day of March 03, 2014, through the ESSTA electronic system.

/Alberto Soler/

ALBERTO SOLER

/Miriam Solr/

MIRIAM SOLER

CERTIFICATE OF SERVICE

WE BOTH HERE CERTIFY that a true and correct copy of the foregoing MFR was furnished via email attachment to TCCC'S counsel of record email address consented you could, this 3rd day of March, 2014.

Alberto Soler

Miriam Soler

